

REMARKS

Claims 1-18 were previously pending in the present application. Claim 1 is hereby amended. Claims 1-18 remain pending as amended.

Claims

Claims 1, 9, 11, 12, 17 and 18 were rejected in the above-referenced final Office action under § 102(b) as being anticipated by Brunelle (U.S. Pat. No. 5,930,851). Also, claims 1-12, 17 and 18 were rejected under § 103(a) as being obvious in light of the combination of Brunelle, Castellote (U.S. Pat. Pub. No. 2003/0233704) and other art. Claims 13-16 were rejected as being obvious from this combination when viewed in light of Nicollet (U.S. Pat. No. 3,964,472).

In response, claim 1 (and thus all of the claims) are hereby amended to recited that the air jets in each of the plurality of rows are arranged so that there are multiple air jets at each of the upright side walls. As such, the claims now recite an air bath that has multiple (vertically spaced) rows of multiple jets in each side wall. The prior art does not teach or suggest this.

At page 3 of the above Office action, it was noted that "the presence of even one jet in each of the side walls at the same elevation would define a 'row'. Brunelle discloses this subject matter..." Drain holes 15' (cited at col. 5, lines 16-22) were referenced by the Office. Brunelle, as the examiner implicitly indicates, does not disclose multiple rows of multiple jets in each side wall. Holes 15' are described in the noted passage as being formed "at the base of the inner chamber 18'..." The Fig. 4 shows there location in top plan view. Holes 15', or any such holes, are not arranged in multiplicity in vertically spaced rows, nor are they located at every side wall. Brunelle thus does not disclose the invention as now claimed, and consequently the cited anticipation rejection is now avoided.

Regarding the obviousness rejections to claims 1-12, 17 and 18 based on the combination of Brunelle, Castellote and other art, this combination does not suggest the invention as now claimed because it does not teach a bath with multiple

(vertically spaced) rows of multiple jets in each side wall. These structural limitations are completely absent from the combined teaching, and thus the claimed invention cannot be rendered obvious by it.

It is noted at page 4 of the above Office action that the jet arrangement is an obvious matter of design choice based on paragraphs 40 and 56 of the Castellote reference. Yet again, applicants point out that Castellote (nor any other reference) does not address the issue of avoiding water pressure blockage of the air jets to achieve fully body air treatment, and that Castellote teaches away from such a jet arrangement by stating in the noted paragraphs that the "jets 14 can be installed indifferently" [emphasis added]. Thus, only by using the applicant's disclosure as a roadmap would one arrive at the air bath construction as now claimed. And of course that is impermissible.

Regarding the obviousness rejections to claims 13-16 based on the combination of Brunelle, Castellote, other art and Nicollet, this combination also does not suggest the invention as now claimed because it does not teach a bath with multiple (vertically spaced) rows of multiple jets in each side wall. The Nicollet reference only adds to the combination zoned air distribution and short rows of air jets at a small backrest area of the basin. That is not enough. Thus, even with the teaching of Nicollet, the combination does not disclose (1) a multiplicity of jets (2) at each side wall (3) in vertically spaced rows. With so many elements missing from the combined teaching, it cannot fairly be said that the claimed structure is obvious.

Accordingly, in light of the amendment and remarks made herein, the cited prior art is not believed to render obvious the present invention as now claimed.

Conclusion

Accordingly, claims 1-18 as now amended are believed to in allowable form in light of the above remarks. Allowance of these claims is thus respectfully requested.

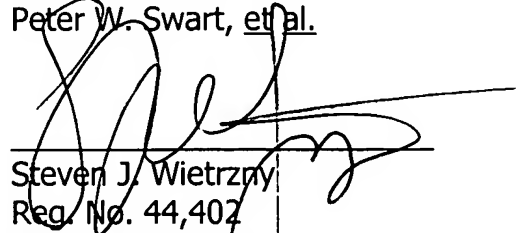
A one month time extension petition is being submitted herewith authorizing that the associated fee be charged to Deposit Account No. 17-0055. No other fees

are believed necessary for consideration of this response. Should any additional fees be needed for full consideration of this amendment, please charge any fees believed necessary in connection with this response to Deposit Account 17-0055.

Respectfully submitted,

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